

# RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE AND/OR RECYCLABLES IN THE CITY OF LOWELL

## aka: Comprehensive Hauler Regulation

### I. Purpose

The goal of these regulations is to protect public health and the environment and ensure that all Private Haulers collecting Solid Waste and Recyclables adhere to the Massachusetts Waste Ban regulations and uniformly comply with permit requirements established by the City of LOWELL. This should ensure that:

- The environmental benefits of recycling are maximized;
- There is joint enforcement of the Waste Ban requirements by the municipality and all Private Haulers operating within the municipality;
- There are fair and equitable rules for all Private Haulers operating in the municipality;
- All residents and businesses have convenient (parallel) access to recycling collection services;
- All Private Haulers licensed to operate in a municipality are in compliance with state regulations (310 CMR 19.017);
- There is greater consistency across municipalities to promote clear operating guidelines for Private Haulers; and,
- Municipalities and Private Haulers work together to support the goals of the Solid Waste Master Plan and the Global Warming Solutions Act.

### II. Authority

These regulations establish minimum requirements for the systematic collection of Solid Waste and Recyclables in order to promote waste reduction, comply with State-mandated Waste Bans (310 CMR 19.017), and further the goals of the City of LOWELL. The Board of Health of the City of LOWELL adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

Private Haulers shall only collect for disposal those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste.

### III. Effective Date

These regulations shall be enforceable after Jan 1, 2020.

Voted on April 3, 2019; takes effect October 1, 2019 and enforced January 1, 2020.

### IV. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the content clearly indicates otherwise:

**Commercial Customers/Generators** shall mean property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed use building within the City of LOWELL.

**Customer** shall mean either Residential Customer/Generator or Commercial Customer/Generator.

**Mercury Disposal Prohibition** shall mean Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006). Effective May 1, 2008, mercury-added products cannot be disposed of in Solid Waste. The law also prohibits any Solid Waste collector from

collecting as Solid Waste the contents of a Solid Waste container that the collector knows (or reasonably should know) includes one or more mercury-added products. Details may be found at this link:

<http://www.mass.gov/eea/docs/dep/toxics/laws/hgbanfaq.pdf>

**Permitted Hauler** shall mean any Private Hauler who has obtained a valid Private Hauler permit from the City of LOWELL.

**Private Hauler** shall mean any person or entity providing collection of Solid Waste and/or Recyclables for hire within the City of LOWELL.

**Recyclables** shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans. Mixed paper, cardboard, glass, metal, and plastic containers are priority materials of this regulation.

**Residential Customers/Generators** shall mean property owners and occupants of single and multifamily dwellings, condominiums, public housing, and mobile homes within the City of LOWELL.

**Solid Waste** shall mean useless, unwanted or discarded non-recyclable solid and liquid wastes, excluding items restricted from disposal in Massachusetts, as defined by Table 310 CMR 19.017(3) of the Massachusetts' Solid Waste regulations (310 CMR 19.017).

**City** shall mean the *City of LOWELL*

**Waste Ban Materials** shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans, including: asphalt pavement, brick & concrete, cathode ray tubes, clean gypsum wallboard, commercial food waste, ferrous and non-ferrous metals, glass & metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-necked plastics, treated and untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

## V. Mandatory Recycling

These regulations are intended to support and align with the City of LOWELL's Solid Waste & Recycling Ordinance [§ 270 sec. 5 Recycling of certain waste](#).

In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310CMR 19.017); the City of LOWELL hereby establishes a requirement for mandatory separation of Recyclables from the Solid Waste stream. This requirement applies to all residential, commercial, industrial, and educational Customers/Generators in the City of LOWELL.

The City of LOWELL will inform all generators (residential, commercial, industrial, and educational) at least once per year that recycling is mandatory.

## VI. Permit Required

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within LOWELL shall be required to first obtain or annually renew a permit from the City of LOWELL. No Private Hauler may collect Solid Waste or Recyclables unless they have obtained a valid Private Hauler Permit from the City. Private Haulers that collect only Recyclables must also be permitted.

### A. Permit Application

The permit application shall include the formal name of the person or company, a statement that the person or company is registered to do business in Massachusetts and that the person or company is fully

insured, and a contact name, address, and telephone number. Copies of certificates of insurance for public liability and property insurance also shall be included.

The permit application must include a statement that the Private Hauler understands, and is in compliance with the Massachusetts Waste Bans and Mercury Disposal Prohibition. The Private Hauler shall list the Solid Waste disposal facilities and the Recycling processing facilities where Solid Waste and Best Practices for Municipalities Developing Private Hauler Regulations

### ***Municipal Waste Ban Compliance Regulation***

Recyclables are expected to be delivered from Private Hauler's Customers during the permit year. The application shall be signed by a designated representative of the company, permitted to do business within the Commonwealth of Massachusetts.

The application shall include information on the types of services intended to be offered, and the approximate number of collection trucks expected to be used in the municipality during the course of the permit year. The application shall include information on how the Private Hauler intends to ensure that Customers prevent Waste Ban materials from being disposed with Solid Waste, and how the Private Hauler intends to notify Customers of improper Recycling or Solid Waste disposal.

Upon receipt of a complete permit application, the Board of Health shall have **14?** days to rule on the granting of a permit to operate within the City of LOWELL. In addition, the applicant shall pay an annual permit fee of **\_\_\_\_\_** (*insert fee*) **\_\_\_\_\_** as determined by City of LOWELL.

### **B. Annual Permit Renewal**

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 1<sup>st</sup> of **\_\_\_\_\_** (*insert month*) **\_\_\_\_\_** (*recommend one month in advance of permit expiration*), by paying the annual permit fee.

The annual renewal application must indicate any changes from the original permit, including any change in Solid Waste or Recyclables facilities used, and must be signed by a business owner. The renewal must be accompanied by the following information or a completed Annual Solid Waste and Recyclables Reporting Form (ATTACHMENT 4):

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the City of LOWELL during the previous calendar year or 12-month period. (In the case where the Permitted Hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Permitted Hauler must provide their best estimate of tonnage delivered from the City.)
- The average number of Residential and Commercial Customers using each service (Solid Waste, Recycling) during the previous calendar year within the City.
- The names of any Commercial Customers where the Permitted Hauler is providing Solid Waste only service.
- The names of any Commercial Customers where the Permitted Hauler is providing Recycling only service.
- Copies of any Waste Ban violation letters or notices received by the Permitted Hauler during the prior year that refer to loads collected within the City of LOWELL.

Failure to provide a complete and accurate Annual Solid Waste and Recyclables Reporting Form may be grounds for denial of a permit to operate within the City of LOWELL.

Annual permits will be issued by the 1<sup>st</sup> of **\_\_\_\_\_Jan?\_\_\_\_\_** each year.

### **C. General Permit Requirements**

All Permitted Haulers must be in compliance with the following general permit requirements:

- All Permitted Haulers must clearly display the name of the company on each vehicle operating in the municipality.
- All Permitted Haulers must be in compliance with applicable federal, state and local laws. Each vehicle must meet all Department of Transportation safety requirements at all times.
- All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
- Recyclables shall not be commingled with Solid Waste when collected by the Permitted Hauler. Recyclables must be delivered to a processing facility designed to accept Recyclables. The Permitted Hauler shall inform Customers how to prepare acceptable Recyclables consistent with the requirements of the Recyclables processing facility.
- Permitted Haulers shall only collect for disposal Solid Waste which is not banned from disposal. It is the responsibility of the Permitted Hauler to educate the Customer about the Waste Bans and inform them that they will refuse to collect Solid Waste mixed with Waste Ban items that are visible to the driver/collector from any of their Customers (there is no requirement to open bags). Please refer to the list of Waste Ban items (ATTACHMENT 1) which may not be accepted at Massachusetts' disposal facilities.
- In the event that the Permitted Hauler refuses to collect any materials, the Permitted Hauler will notify such Customers in writing of the reason(s) for refusal to collect the Solid Waste or Recyclables. In addition, the Permitted Hauler will advise the Board of Health about Customers who have received rejection notices. The Board of Health will, where possible, assist the Permitted Hauler with enforcement of the Mandatory Recycling provision and/or Waste Ban requirement.

## VII. Bundled Service Requirement

*(NOTE TO BOH: The goal of this requirement is to ensure that Permitted Haulers provide a bundled service for the collection of **both Solid Waste and Recyclables** for each Customer. This ensures that all Customers have access to recycling services in order to be in compliance with the Waste Bans.)*

### A. Service to Residential Customers/Generators

For **Residential Customers/Generators**, the bundled service must provide Customers with Solid Waste and Recyclables collection at a rate that reflects the cost of providing both services. Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise pre-approved by the Board of Health. The Permitted Hauler may itemize the invoice to clearly show the cost of Recycling collection contained in the bundled service.

All Permitted Haulers serving Residential Customers/Generators must provide appropriately-sized, paired Solid Waste and Recyclables containers that are clearly marked and adjacent or in close proximity to each other.

### B. Service to Commercial Customers/Generators

For **Commercial, Industrial and Educational Customers/Generators**, the Permitted Hauler must provide both Solid Waste and Recyclables collection; unless the Customer can provide proof to the Permitted Hauler that separate Recycling services are provided by another Permitted Hauler or via one of the methods listed on the Recycling Service Exemption Form (ATTACHMENT 5). Permitted Haulers may charge separately for the collection of Recyclables. Commercial Customers/Generators may choose to contract for collection of Recyclables by a second Permitted Hauler that only performs Recyclables collection. Permitted Haulers that collect only Recyclables are not required to collect Solid Waste.

Permitted Haulers must provide the names and addresses of their Solid Waste only Commercial Customers to the City so the City can follow up to ensure that those Customers are complying with the Waste Bans.

### **C. Exceptions**

*(NOTE TO BOH: If the City has a protocol for requesting an exception to any requirement of this regulation, insert here.)*

## **VIII. Inspection**

The Board of Health or its designee is authorized to inspect a Permitted Hauler's truck and load at any time. The Board of Health also has the right to require weight slips or confirmation of disposal of Solid Waste or management of Recyclables.

## **IX. Enforcement**

Enforcement of this regulation shall be by non-criminal disposition ticket per MGL Chapter 40, Section 21D AND/OR criminal complaint in the district court.

Unless otherwise excluded by state or federal law, a police officer, code enforcement inspector, building inspector, health inspector, solid waste manager, recycling coordinator, or other official designated by the City Manager, Commissioner, or the Board of Health is empowered to enforce the provisions of this Regulation.

### **A. Penalties**

In the event that a Permitted Hauler fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines and/or revoke the permit to operate within the City, subject to the Appeal Provisions described below.

(a) First offense warning

(b) Second offense \$ [redacted] fine

(c) Third offense \$ [redacted] fine

(d) Subsequent offenses not less than \$ [redacted] nor more than \$ [redacted]

Each day of failure to comply with the regulations shall constitute a separate violation.

### **B. Appeal Provisions**

Any Permitted Hauler cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Board of Health within seven (7) days, exclusive of Saturdays, Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two (2) weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

### **C. Legal Provisions – City specific**

*(NOTE TO BOH: If the City has standard language for legal provisions, insert here.)*

## **ATTACHMENT 1: Banned Materials**

Following is a list of materials which have been banned from landfill or incineration disposal by the Massachusetts Department of Environmental Protection, with the date that material was banned. These materials are banned either because they pose an environmental threat or because there are methods for reusing or recycling them.

### **Optional Table: List of Waste Ban Materials: 310 CMR 19.017**

Lead Batteries	December 31, 1990
Leaves	December 31, 1991
Tires	December 31, 1991
White Goods	December 31, 1991
Other Yard Waste	December 31, 1992
Aluminum Containers	December 31, 1992
Metal / Glass Containers	December 31, 1992
Single Polymer Plastics	December 31, 1994
Recyclable Paper	December 31, 1994
Cathode Ray Tubes (CRT)	April 1, 2000
Asphalt Pavement, Brick and Concrete	July 1, 2006
Metal	July 1, 2006
Wood	July 1, 2006
Clean Gypsum Wallboard	July 1, 2011
Commercial Organic Material (1)	October 1, 2014

(1) Applies to entities that generate more than one ton of those materials for Solid Waste disposal per week.

## **ATTACHMENT 1B: Waste Ban Educational Handout**

In 1990, the Massachusetts Department of Environmental Protection (MassDEP) introduced its first bans on landfilling and combustion of easy-to-recycle and toxic materials. Additional "waste bans" have been phased in over time. Since the first waste bans were introduced, Massachusetts municipalities and businesses - often supported by MassDEP grants and technical assistance - have developed new infrastructure to collect banned items and other discarded materials, and to divert them from disposal to reuse and recycling. For additional information, see:

<http://www.mass.gov/eea/docs/dep/recycle/laws/wbfact.pdf>

## ATTACHMENT 2: Optional Language

*The following language, either in its entirety or on a clause by clause basis, can be used to add or strengthen portions of the regulation, specific to the goals and needs of each municipality.*

### Partnership between Permitted Haulers and Municipality

This regulation is designed to ensure that the Massachusetts Waste Bans are uniformly adhered to in the City of LOWELL and relies on a partnership between the City of LOWELL and all Permitted Haulers to ensure the requirements of Mandatory Recycling and separation of Recyclables from the Solid Waste stream are followed by all Residential Customers/Generators and Commercial Customers/Generators in the City of LOWELL.

**The City of Lowell** will support Permitted Haulers by providing the following:

- Educational information on the municipal website about the Mandatory Recycling requirement for all Residential Customers/Generators and Commercial Customers/Generators;
- Educational materials that Private Haulers can use with new and existing Customers, e.g., Waste Ban Fact Sheet;
- Oops Tags to hang on rejected Solid Waste and Recyclables containers; and,
- Enforcement of the regulation for Residential Customers/Generators and Commercial Customers/Generators who do not comply with the Mandatory Recycling and separation requirements.

**Permitted Haulers** will support the City of goals by providing the following:

- Instructions on proper management of Solid Waste and Recyclables to new Customers when service commences and to all Customers on an annual basis at a minimum.
- Permitted Haulers shall not dispose of banned Recyclables that are properly prepared and set out for collection.
- No Permitted Hauler shall knowingly collect for disposal Solid Waste that contains visible Waste Ban Materials.

Any such Solid Waste must be left behind/rejected by the Permitted Hauler, who shall notify the Customer generating such Solid Waste of the reason for rejection, e.g., via sticker affixed to non-compliant set-out, including City contact information for follow-up regarding the Mandatory Recycling requirement. The Permitted Hauler shall notify the appropriate City contact regarding any Customer whose Solid Waste is so rejected. If notified, the City will follow up to enforce the Mandatory Recycling requirement.

### Hours of Collection

Collection of Solid Waste and Recyclables may only occur during the hours of \_\_\_ a.m. to \_\_\_ p.m. except in the case of bad weather or another emergency that requires collection outside of these hours, with notification to the Board of Health or their designated representative.

#### **Example:**

Residential collection: 7:00 a.m. - 5:00 p.m.

Commercial collection: No limitations, except for collection in residential neighborhoods (refer to zoning map)



## Minimum Service Level Requirement

A Permitted Hauler shall not collect Solid Waste and Recyclables from Residential Customers/Generators less than every two weeks. Collection of Recyclables from Residential Customers must be on the same day of the week as Solid Waste Collection, but can be less frequent than Solid Waste collection if Solid Waste collection occurs every week.

## Insurance

A Permitted Hauler must furnish and maintain adequate insurance, as specified by the Board of Health. Cancellation of insurance shall automatically be grounds for cancellation of the Private Hauler Permit. The Private Hauler's Permit Application will maintain liability insurance coverage at or above the following levels for the Term of the Permit: \$ [REDACTED] per person and \$ [REDACTED] per occurrence for personal injury or death, and \$ [REDACTED] per occurrence for property damage.

## Nuisance

The Board of Health and its agents reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times to ensure that all Permitted Hauler services comply with all applicable State and local laws, by-laws and regulations. The Board of Health retains the right to define and determine "nuisance" conditions.

## Annual Permit Renewal Requirements

Information that must be provided annually prior to renewal of the annual permit shall include, though not limited to, the following:

- List of non-compliant Residential or Commercial Customers for enforcement of the Mandatory Recycling regulation by the Board of Health. (Note that the Board of Health can request information from Permitted Haulers at any time during the permit year, with reasonable time provided to the Permitted Hauler. This includes the right to review Customer information in a confidential manner if the tonnage of Recyclables reported indicates Customers are not recycling.)
- A copy of recycling educational material provided to your Residential or Commercial Customers.

## Amendments to Permits

A Permitted Hauler may request to amend an existing permit. The City Board of Health shall promptly consider any requests for amendments within the time frame for Permit Applications under Section \_\_\_ of this regulation. In order to become effective, any amendments must be approved by the Board of Health.

## Permit Fee

***(NOTE TO USER: Municipalities may require a permit fee on a "per company" or "per truck" basis. While an annual "per company" permit fee is included in the General Language Template:***

***RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES , municipalities may want to charge a permit fee based on the number of trucks/routes that a Permitted Hauler is operating in the municipality in order to raise funds to administer the permit program, outreach, and enforcement required.***



## Labeling of Collection Vehicles

All trucks operating in the City must be labeled as to their use for collection of Recyclables, Solid Waste, Food Waste or co-collection of any of these materials. A large magnetic sign may be used which is at least **X** in width and **Y** in diameter.

## Recyclables Containers

A Permitted Hauler may either offer a collection container for Recyclables or clearly visible stickers for the Customer to apply to their existing container for Recyclables. Containers for Recyclables should be of a large enough volume to collect all Recyclables generated by the Customer.

## Labeling of Containers

***(NOTE TO BOH: The Board of Health should consult with Permitted Haulers operating in their City before implementing these requirements to assure that the Permitted Hauler's containers and colors can reasonably meet these suggested guidelines.)***

If containers are provided by the Permitted Hauler, the City recommends/requires that all rolling carts, dumpsters and roll-off containers provided shall be clearly labeled as the property of the Permitted Hauler and shall be in good repair at all times.

In addition, to help Customers easily differentiate between containers utilized for Solid Waste or Recyclables, the following guidelines are recommended:

### A. Recyclables Containers

In the City of LOWELL, green-body is commonly used for recycling containers. Recyclables containers provided by Permitted Haulers, or at minimum the lids on Recyclables containers, should be blue OR have a blue universal Recycling symbol (three chasing arrows) label.

Suggested labeling for recycling containers includes:

- a) The standard recycling symbol in white on a blue background, or vice versa
- b) The standard recycling symbol sized large enough for easy identification
- c) The word "RECYCLE", "RECYCLING", or "RECYCLABLES" in letters large enough for easy identification

The City may provide the Recycling symbol labels to the Permitted Hauler.

It is also recommended that Recyclables containers provided by Permitted Haulers be clearly labeled with graphics/pictures and/or a list of accepted Recyclables.

### B. Solid Waste Containers

It is recommended that Permitted Haulers will not provide burgundy (Maroon) containers for the collection of Solid Waste, except as provided below:

If the Permitted Hauler uses black containers for the collection of Solid Waste, the containers should be clearly marked with the word "TRASH," with letters large enough for easy identification, and:

- a) The containers will have **black** lids, OR b) Lids of a contrasting color to blue and clearly marked as "TRASH," OR

- c) Have a clearly visible label on the dumpsters, wheeled carts, or other containers used for trash collection that says "TRASH."

The City may provide "TRASH" labels to the Permitted Hauler.

## Rate Structure for Solid Waste

***(NOTE TO USER: If the municipality collects Solid Waste from Residents using a Pay As You Throw financing structure, you may want to incorporate a unit-based pricing requirement for Permitted Haulers of residential Solid Waste to level the playing field with the municipal program. The goal is to make available an option for all Residents who wish to use a small container for Solid Waste.)***

Permitted Haulers shall charge Residential Customers/Generators based on the volume or weight of Solid Waste destined for Disposal that is collected at rates that provide a reasonable economic incentive to Customers to reduce the amount of Solid Waste that they generate.

For unit-based pricing programs for Solid Waste collection from Residential Customers/Generators, the bundled service requirement still applies. Additional fees for additional services, such as collection of yard trimmings or food scraps, special pickups for bulky items, or backdoor service, are permitted.

The City reserves the right to request evidence that the Solid Waste rate structure for Residential Customers/Generators meets the requirements for unit-based pricing.

## Provision of Recycling to Commercial Customers/Generators

A Permitted Hauler seeking to provide Solid Waste collection to a Commercial Customer must, at a minimum conduct a site visit to the Commercial Customer and prepare a proposal that describes which materials should be separated as Recyclables banned from disposal, and then provide an adequate sized container for the expected quantity of Recyclables, separate from Solid Waste.

If a Commercial Customer chooses Solid Waste-only collection from their Permitted Hauler, exemptions may be provided by the City to Permitted Hauler's Customers who market their Recyclables directly to recycling brokers, processors, or manufacturers or Customers who provide proof of Recycling collection by a different Permitted Hauler who is permitted to operate in the municipality. All Commercial Customers seeking an exemption must file an exemption form. See Attached Sample Exemption Form (ATTACHMENT 5).

*This form will be made available on-line as a downloaded document that can be filled and e-mailed, or mailed back to the Board of Health.*

## Enforcement

### **A. Enforcement and Resolution of Hauler Permit Requirements**

The Board of Health shall issue a notice of violation to the Permitted Hauler and provide the Permitted Hauler seven (7) business days to respond to the allegations of non-compliance with any section of this regulation.

Failure to respond shall be grounds for revocation of the Permit in accordance with the hearing provisions below. The individuals empowered to enforce the provisions of this *regulation* shall be the Agent of the Board of Health, any member of the Board of Health, the DPW Solid Waste Coordinator, Inspectional Services, or other City designee, or any police officer of the City.

If the Permitted Hauler does not respond within seven (7) days, the Board of Health shall hold a public hearing, subject to MGL Chapter 111 Section 127B. If the Board of Health determines that the Permitted Hauler is in violation of this Permit, then the Board may either provide the Permitted Hauler with an order to fix the problem and/or suspend the Permit until the Permitted Hauler demonstrates to the Board's satisfaction that the Permitted Hauler will be in compliance with this *regulation*. In the event that a Permitted Hauler fails to follow this *regulation*, the Board of Health reserves the right to impose reasonable fines or take other action in accordance with State and local regulations.

## **B. Enforcement and Resolution of Mandatory Recycling Requirements for Generators**

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket MGL Chapter 40, Section 21D. DPW or Solid Waste Administrators, Inspectional Services, and Agents of the Health Department or their designees shall have the power to enforce the provisions of this *regulation*.

The City shall also have the option of seeking equitable relief to enjoin violations of the rules and regulations of the Health Department.

## **C. Penalties**

Violations of this regulation shall be punished by fines as follows:

(a) First offense warning

(b) Second offense \$ [redacted] fine

(c) Third offense \$ [redacted] fine

(d) Subsequent offenses not less than \$ [redacted] nor more than \$ [redacted]

Each day of failure to comply with the regulations shall constitute a separate violation.

## **Communication with Waste Ban Inspectors**

The City of LOWELL reserves the right to exchange information and coordinate enforcement activity with MassDEP's waste ban inspectors in order to enforce the provisions of these regulations and State law.

## **Permitting Haulers Who Collect Food Waste**

***(NOTE TO USER: Additional definitions may apply if you choose to incorporate language regarding the collection of Food Waste/Organic Waste.)***

**Acceptable Food Waste Handling Facility** shall mean a Food Waste composting facility operating in compliance with General Permit Provisions of 310 CMR 16.04.

**Food Waste/Organic Waste** shall mean material generated from human or animal food production, preparation and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and byproducts. ***(Note: This definition is drawn from 310 CMR 19.006, Food Material.)***

## **A. Minimum Level of Service**

In general, if Food Waste is collected separately from Solid Waste, collection must be no less than once per week or as often as necessary to prevent a nuisance. Best management practices for use by health officials to support and inform local oversight of commercial food waste collection programs can be found at this link:

<http://recyclingworksma.com/local-health-department-guidance-for-commercial-food-waste-separation/>

**B. Containers Maintenance:** Dumpsters, carts or compactors should be closable and cleanable, leak-free, water tight and capable of being locked. All doors/hatches/tight-fitting lids should be closed or in place when not in immediate use to prevent pests from entering the container. Plastic bags and wet strength paper bags may be used to line closed outside receptacles.

## **Labeling:**

Suggested labeling for Food Waste collection containers:

a) The container, or at minimum a container label, should be green and white

b) The words “Food Waste,” “Organic Waste,” or “Compostables” in letters large enough for easy identification

c) Include graphics/pictures and/or a list of acceptable Organic Waste materials

The City may provide the Organic Waste labels to the Permitted Hauler.

### **C. Residential Rates for Additional Services- Food Waste Collection Service Fees**

Separate fees for additional services, such as collection of Food Waste, yard trimmings, special pickups for bulky items, or backdoor service, are permitted.

### **D. Food Waste Handling Facility**

Permitted Haulers collecting Food Waste/Organic Waste shall annually report to the City the Acceptable Food Waste Handling Facilities where Food Waste/Organic Waste is expected to be delivered from Permitted Hauler’s Customers during the permit year.

### **Resources:**

Commonwealth of Massachusetts 2010- 2020 Solid Waste Master Plan:

<http://www.mass.gov/eea/agencies/massdep/recycle/reports/solid-waste-master-plan.html>

Grants available for the Community and Resources available for Private Haulers:

<http://www.mass.gov/eea/agencies/massdep/recycle/grants/>

# ATTACHMENT 3:

Town/City of \_\_\_\_\_

Date \_\_\_\_\_

## PERMIT APPLICATION

TO REMOVE, TRANSPORT AND DISPOSE OF SOLID WASTE OR RECYCLABLES IN  
TOWN/CITY

### Instructions

All sections of this application must be completed. Incomplete applications will not be considered.

*(NOTE TO USER: Language below is based on Board of Health authority to enact and implement this process. If another authority/process is undertaken, consider modifying to reflect appropriate citations throughout.)* In accordance with MGL Chapter 111, Sections 31 A and 31B and in accordance with the Town/City's (bylaw/ordinance or regulation), the undersigned makes application to the Board of Health for permission to collect and transport Solid Waste and/or Recyclables as set forth below:

Check here if this is your first application.  Check here if this is a renewal application.

### Permit Fee

The application fee is Insert fee per company (and/or per truck) seeking a permit to operate in the Town/City of \_\_\_\_\_.

Please select which type(s) of collection you will be providing (*check all that apply*):

Solid Waste and Recyclables  Recyclables Only  Solid Waste Only (Commercial Customers/Generators)

### Permit Date

If approved, this permit will be effective from date to date.

Company Information			
Company Name			
Contact Name			
Location Address			
City, State ZIP Code			
E-Mail Address			
Telephone #			
Mailing Address (if different)			
City, State, ZIP Code			
Emergency 24-hour Contact Name			
Emergency 24-hour Telephone #			
Truck Information			
Estimated number of collection trucks to be used in Town/City of _____ during the permit year: <u># trucks</u> . <i>(Use separate sheet to list additional trucks)</i>			
Truck Registration Number	State	Type and Capacity	Date of Last Inspection



**Disposal/ Recycling Information**

List facilities where Solid Waste and/or Recyclables will be delivered for disposal or processing during the permit year.  
(Note multiple outlets if used during the permit year. Weight slips may be requested to verify end disposal site.)

Solid Waste Disposal Facility	Address	Material(s) Delivered
Recyclables Processing Facility/MRF	Address	Material(s) Delivered

Please check all and make sure all associated attachments are included.

**Incomplete applications will not be considered.**

- This is a permit renewal: I have attached a copy of the Annual Solid Waste and Recyclables Reporting Form. If this is your first application, write-in Not Applicable (NA).
- I have attached a copy of my certificate of insurance for public liability and property insurance.
- I certify that the company I represent operates in compliance with the Massachusetts Waste Ban regulations and the Mercury Disposal Prohibition.
- I have attached a copy of my marketing materials indicating the types of services offered, reminding Customers that recycling is mandatory, and describing the Massachusetts Waste Ban Materials.
- I confirm that my company is in compliance with the Bundled Service requirement outlined in Section insert of these regulations.
- I have attached a copy of my notification that will go to Customers who set out visible Waste Ban Materials mixed with Solid Waste, including a reminder that recycling is mandatory, describing what was seen that violated the Waste Bans, and providing a phone number for the Board of Health.
- All employees understand and will help educate all Customers about the Massachusetts Waste Bans.
- I am an authorized official of the company applying for this permit.
- Pursuant to MGL Ch. 62C Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

\_\_\_\_\_  
Signature of Company Official                      Printed Name                      Title                      Date

# ATTACHMENT 4:

## ANNUAL SOLID WASTE AND RECYCLABLES REPORTING FORM FOR PERMITTED HAULERS OPERATING IN TOWN/CITY

### Instructions

All sections of this form must be completed and submitted to the Board of Health with your Annual Permit Renewal Application. Private Hauler permits will not be issued until this report is filed.

### Reporting Period

For the period starting \_\_\_\_\_ through \_\_\_\_\_  
MONTH/DATE/YEAR MONTH/DATE/YEAR

Company Information	
Company Name	
Name of Person Completing Form	
Address	
City, State ZIP Code	
Phone	
E-Mail	

In the table below, please provide the average number of Town/City Customers you served during this 12-month reporting period, by category type.

Category	Customer Count
Residential Customers: Solid Waste and Recyclables	
Commercial Customers: Solid Waste and Recyclables	
Commercial Customers: Recyclables Only	
Commercial Customers: Solid Waste Only	

Tonnage Data		
Please provide the total tons of Solid Waste and Recyclables collected from Residential Customers within the Town/City of _____ during this 12-month reporting period. <i>(Note: In the case where your company delivers loads for disposal or recycling that are combined with more than one municipality, you must provide your best estimate of tonnage delivered from the <u>Town/City</u>. Weight slips must be provided upon request from the Board of Health.)</i>		
	Solid Waste	Recyclables
Tonnage		
Disposal or Processing Facility		

Please check all and make sure all associated attachments are included. If Not Applicable, enter (NA).

**Incomplete applications will not be considered.**

- I have attached names and addresses of Commercial Customers who are provided Solid Waste only collection.
- I have attached names and addresses of Commercial Customers who are provided Recyclables only collection.
- I have been in communication with the Board of Health regarding Customer set-outs not in compliance with the *Town/City bylaw/ordinance or regulation.*
- I have attached copies of all Waste Ban violation letters or notices received by my company during the prior year that refer to loads collected within the Town/City of \_\_\_\_\_.

\_\_\_\_\_  
 Signature of Company Official                      Printed Name                      Title                      Date



# ATTACHMENT 5:

## RECYCLING SERVICE EXEMPTION FORM FOR COMMERCIAL GENERATORS

TOWN/CITY

Recycling is **mandatory** in the Town/City of \_\_\_\_\_. The \_\_\_\_\_ *TOWN/CITY bylaw/ordinance or regulation is attached here.*

All Permitted Haulers must provide both Solid Waste and Recyclables collection to all Commercial Customers unless the Customer can provide proof to the Permitted Hauler that separate Recycling services are provided by another Permitted Hauler, or by one or several of the methods listed below. Commercial Customers that decline recycling collection service from their Permitted Solid Waste Hauler must demonstrate to their Permitted Hauler or Town/City of \_\_\_\_\_ that they are diverting Mandatory Recyclables from disposal.

The Town/City of \_\_\_\_\_ periodically checks recycling compliance throughout the Town/City of \_\_\_\_\_ and can offer outreach and assistance. Commercial Customers that do not separate Recyclables from Solid Waste destined for disposal at a landfill or waste combustor are subject to fines. Permitted Haulers that do not offer/provide collection of Recyclables along with Solid Waste pickup are also subject to fines, unless the Town/City of \_\_\_\_\_ has received this form showing that recycling services were offered.

Please choose one:

- I am a Permitted Hauler/customer service representative submitting this form on behalf of the business/organization listed below. *Identify your company name here:* \_\_\_\_\_
- I am a business/organization who has declined recycling service offered by my Solid Waste Hauler.
- I am a Permitted Hauler/customer service representative advising \_\_\_\_\_ *TOWN/CITY* of a business/organization who was offered recycling service, but refused. *Identify your company name here:* \_\_\_\_\_

Business, Organization, or Property Manager Seeking Exemption	
Business/Organization Name	
Business/Organization Contact	
Address	
City, State ZIP Code	
Phone	
E-Mail	

### Materials Handling Information

Name of Permitted Solid Waste Hauler \_\_\_\_\_

Please describe the manner in which materials are recycled (check all that apply):

- Option 1 - Ship directly to mill: *Identify recycling outlet* \_\_\_\_\_
- Option 2 - Self-haul: *Identify recycling outlet* \_\_\_\_\_
- Option 3 - Back-haul to parent company
- Option 4 - Recycling Collection by Permitted Recycling Hauler \_\_\_\_\_

Name of Permitted Recycling Hauler

### Signature

By signing below, I certify that I have read and understand the \_\_\_\_\_ *TOWN/CITY* requirement to comply with Mandatory Recycling as stated in \_\_\_\_\_ *TOWN/CITY* *bylaw/ordinance or regulation.*

\_\_\_\_\_  
Signature of Company Official

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date